

Department of State

Pt. 7

§ 5.3 Rules of procedure, description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of all papers, reports, or examinations.

Rules of procedure regarding the following listed matters may be consulted

under the corresponding regulations referenced in § 5.4, or obtained upon application to the offices listed below. Forms pertaining to the following listed matters, and instructions relating thereto may also be obtained at the offices indicated below:

Subject matter	Office	Address
Appointment of Foreign Service Officers.	Board of Examiners for the Foreign Service.	Department of State, Room 7314, 1800 N. Kent St., Arlington, Va. 22209.
Authentication and other services	Document and Reference Division.	Department of State, Room 2815, 22d and D Sts. NW., Washington, DC 20520.
Claims and stolen property	Legal Adviser	Department of State, 2201 C Street NW., Washington, DC 20520.
International educational and cultural exchange program.	Bureau of Educational and Cultural Affairs.	Department of State, 2201 C Street NW., Washington, DC 20520.
International traffic in arms	Office of Munitions Control ...	Department of State, Room 800, 1700 N. Lynn St., Arlington, Va. 22209.
Nationality and passports	Passport Office	Department of State, Room 362, 1425 K St., NW., Washington, DC 20524.
Protection and welfare of U.S. citizens, shipping and seamen, and other consular services abroad.	Office of Special Consular Services.	Department of State, 2201 C Street NW., Washington, DC 20520.
Visa issuance	Visa Office	Department of State, Annex 2, 515 22d Street NW., Washington, DC 20520.

§ 5.4 Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretation of general applicability formulated and adopted by the agency.

(a) The regulations of the Department of State required to be published under the provisions of the Administrative Procedure Act are found in the Code of Federal Regulations and the FEDERAL REGISTER. Any person desiring information with respect to a particular procedure should examine the pertinent regulation cited hereafter.

(b) The following are citations to regulations within the scope of this section.

- (1) Acceptance of Gifts and Decorations from Foreign Governments. 22 CFR part 3 *et seq.*
- (2) Employee Responsibility and Conduct. 22 CFR part 10 *et seq.*
- (3) Appointment of Foreign Service Officers. 22 CFR part 11 *et seq.*
- (4) Fees for Services in the United States, fees and Charges, Foreign service. 22 CFR part 21 *et seq.*; 22 CFR part 22 *et seq.*
- (5) Claims and Stolen Property. 22 CFR part 31 *et seq.*
- (6) Issuance of Visas. 22 CFR parts 41-42 *et seq.*

(7) Nationality and Passports. 22 CFR part 50 *et seq.*

(8) International Educational and Cultural Exchanges. 22 CFR part 61 *et seq.*

(9) Protection and Welfare of Americans Abroad. 22 CFR part 71 *et seq.*

(10) Shipping and Seamen Abroad. 22 CFR part 81 *et seq.*

(11) Other Consular Services Abroad. 22 CFR part 91 *et seq.*

(12) Economic, Commercial and Civil Air Functions Abroad. 22 CFR part 101 *et seq.*

(13) International Traffic in Arms. 22 CFR part 121 *et seq.*

(14) Certificates of Authentication. 22 CFR part 131 *et seq.*

(15) Civil Rights. 22 CFR part 141 *et seq.*

(16) Department of State Procurement. 41 CFR part 6-1 *et seq.*

(c) These regulations are supplemented from time to time by amendments appearing initially in the FEDERAL REGISTER.

PART 7—BOARD OF APPELLATE REVIEW

Sec.
7.1 Definitions.

§7.1

- 7.2 Establishment of Board of Appellate Review; purpose.
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- 7.11 Computation of time.
- 7.12 Attorneys.

AUTHORITY: Sec. 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended, 22 U.S.C. 211a, 2658; secs. 104, 360, 66 Stat. 174, 273, 8 U.S.C. 1104, 1503; E.O. 11295, 36 FR 10603; 3 CFR 1966-1970 Comp., page 507; 22 CFR 60-65; E.O. 12532, 50 FR 36861 7.4 also issued under 22 U.S.C. 3926.

SOURCE: 44 FR 68825, Nov. 30, 1979, unless otherwise noted.

§7.1 Definitions.

(a) *Board* means the Board of Appellate Review or the panel of three members considering an appeal.

(b) *Department* means the Department of State.

(c) *Party* means the appellant or the Department of State.

§7.2 Establishment of Board of Appellate Review; purpose.

(a) There is hereby established the Board of Appellate Review of the Department of State to consider and determine appeals within the purview of §7.3. The Board shall take any action it considers appropriate and necessary to the disposition of cases appealed to it.

(b) For administrative purposes, the Board shall be part of the Office of the Legal Adviser. The merits of appeals or decisions of the Board shall not be subject to review by the Legal Adviser or any other Department official, except that the Department may administratively vacate a Certificate of Loss of Nationality on its own initiative at any time, notwithstanding an intervening decision by the Board sustaining the Department's original determination.

[44 FR 68825, Nov. 30, 1979, as amended at 56 FR 55457, Oct. 28, 1991]

§7.3 Jurisdiction.

The jurisdiction of the Board shall include appeals from decisions in the following cases:

22 CFR Ch. I (4-1-04 Edition)

(a) Appeals from administrative determinations of loss of nationality or expatriation under subpart C of part 50 of this chapter.

(b) Appeals from administrative decisions denying, revoking, restricting or invalidating a passport under §§51.70 and 51.71 of this chapter.

(c) Appeals from final decisions of contracting officers arising under contracts or grants of the Department of State, not otherwise provided for in the Department of State contract appeal regulations (part 6-60 of title 41).

(d) Appeals from administrative determinations under §64.1(a) of this chapter, denying U.S. Government assistance to U.S. nationals who do not comply with the Fair Labor Standards in §61.2 of this chapter.

(e) Appeals from administrative decisions of the Department of State in such other cases and under such terms of reference as the Secretary of State may authorize.

[44 FR 68825, Nov. 30, 1979, as amended at 51 FR 15319, Apr. 23, 1986]

§7.4 Membership and organization.

(a) *Membership.* The Board shall consist of regular and ad hoc members as the Legal Adviser may designate. Regular members shall serve on a fulltime basis. Ad hoc members may be designated from among senior officers of the Department of State or from among persons not employed by the Department. Regular and ad hoc members shall be attorneys in good standing admitted to practice in any State of the United States, the District of Columbia, or any Territory or possession of the United States.

(b) *Chairperson.* The Legal Adviser shall designate a regular member of the Board as chairperson. A member designated by the chairperson shall act in the absence of the chairperson. The chairperson or designee shall preside at all proceedings before the Board, regulate the conduct of such proceedings, and pass on all issues relating thereto.

(c) *Composition.* In considering an appeal, the Board shall act through a panel of three members, not more than two of whom shall be ad hoc members.

(d) *Rules of procedure.* The Board may adopt and promulgate rules of procedure approved by the Secretary of